

533 Rec'd PCT/PTO 03 JUL 2002 PCT



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#1/10  
RECEIVED  
SEP 13 2002

In re application of

Docket No: Q68821

Shinichiro ASANO, et al.

TECH CENTER 1600/2900

Appln. No. 10/089,678

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: April 3, 2002

For: PROTEIN HAVING PESTICIDAL ACTIVITY, DNA ENCODING THE PROTEIN,  
AND NOXIOUS ORGANISM-CONTROLLING AGENT AND METHOD

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) (substitute for PTO Form 1449) form and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under § 1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under § 1.114, and, therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

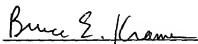
INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No. 10/089,678

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants submit the following explanations:

JP-A-06-065292, JP-A-07-000179 and JP-A-08-228783 are cited on page 6 of the specification, as filed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,

  
Bruce E. Kramer  
Registration No. 33,725

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Date: July 3, 2002

(use as many sheets as necessary)

Sheet	1	of	1
-------	---	----	---

Application Number	10/089,678
Confirmation Number	Not Yet Assigned
Filing Date	April 3, 2002
First Named Inventor	Shinichiro ASANO
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	O68821

[illegible][illegible][illegible]

**Examiner Signature**

**Date Considered**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.